Public Intelligence

U.S. Military Purchasing Combat Equipment for Domestic Contingency Planning

July 19, 2012 in Featured

An example of a Stryker Infantry Carrier Vehicle operating in Iraq in July 2009. A number of Strykers and other combat vehicles are being purchased by the Department of Defense under an obscure section of the FY2008 National Defense Authorization Act for "homeland defense missions, domestic emergency responses, and providing military support to civil authorities." Photo via Pennsylvania National Guard.

Public Intelligence

For the last two years, the President's Budget Submissions for the Department of Defense have included

purchases of a significant amount of combat equipment, including armored vehicles, helicopters and even artillery, under an obscure section of the FY2008 National Defense Authorization Act (NDAA) for the purposes of "homeland defense missions, domestic emergency responses, and providing military support to civil authorities." Items purchased under the section include combat vehicles, tanks, helicopters, artillery, mortar systems, missiles, small arms and communications equipment. Justifications for the budget items indicate that many of the purchases are part of routine resupply and maintenance, yet in each case the procurement is cited as being "necessary for use by the active and reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities" under section 1815 of the FY2008 NDAA.

Section 1815 of the FY2008 NDAA requires that every five years the Secretary of Defense work with the Secretary of Homeland Security to determine "military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident." The section defines "military-unique capabilities" as those that "cannot be provided by other Federal, State, or local civilian agencies" and are "essential to provide support to civil authorities in an incident of national significance or a catastrophic incident." Once these "military-unique capabilities" have been determined in consultation with the Secretary of Homeland Security, the Secretary of Defense must develop a plan for maintaining the capabilities as well as any "additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities." Once the plan is enacted the DoD must then "include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan . . . during the fiscal year covered by the budget."

Subsection (e) of section 1815 of the FY2008 NDAA also modifies the official roles and responsibilities of the Secretary of Defense stated in 10 USC § 113 to indicate that "with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff" the Secretary is responsible for providing "written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities." This guidance will be provided "every two years or more frequently as needed and shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective."

Origins of §1815 of the FY2008 NDAA

Section 1815 of the FY2008 NDAA is the result of recommendations made by the Commission on the National Guard and Reserves (CNGR), a 13-member independent commission created by Congress in 2004. In their final report published in 2008, the CNGR describes section 1815 as a way of prioritizing domestic support missions within the military, allowing DoD to explicitly budget for resources needed in providing military support to civil authorities. The final report of the CNGR describes the Department of Homeland Security as "the federal agency with the most comprehensive national perspective on the response capabilities present in federal, state, and local government" placing it in the "best position to generate civil support requirements." The CNGR report also recommends that DoD, the National Guard and DHS work to "exchange representatives" and personnel in advisory positions to increase common knowledge and training related to civil support missions.

A Congressional Research Service report on the domestic support roles of U.S. Northern Command describes section 1815 of the FY2008 NDAA as a strengthening of the relationship between the Department of Defense and the Department of Homeland Security:

> Seeking to continue to strengthen relationships between DHS and DOD, the 2008 NDAA

> directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, to determine what military-unique capabilities DOD provides that are necessary to support civil authorities during national catastrophic incidents. Additionally, the 2008 NDAA (P.L. 110-181) directs DOD to budget for additional requirements deemed necessary to conduct civil support missions.

In November 2008, Secretary of Defense Robert Gates issued a memorandum on paths to implementing the CNGR's suggestions. The memorandum orders the Secretaries of the military departments and the Commander of U.S. Special Operations Command, in coordination with the Commanders of U.S. Northern Command, U.S. Pacific Command and the Chief of the National Guard Bureau to identify critical dual-use (CDU) equipment as part of the military's overall efforts to comply with section 1815 of the FY2008 NDAA. CDU is equipment that can be employed by National Guard and other military forces in both their federal and state missions allowing "personnel to assist civil authorities in responses to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios."

The Government Accountability Office released a report in 2010 on the DoD's efforts to identify capabilities for supporting civil authorities during disasters and other emergencies.

> The capabilities-based assessment also noted that DOD is in the process of implementing Section 1815 of the National Defense Authorization Act of 2008 (Pub. L. No. 110-181, §1815 (2008)), which requires DOD to work with DHS to determine the military-unique capabilities DOD needs to provide for civil support operations and to prepare a plan to provide funds and resources to maintain existing military-unique civil support capabilities or any additional capabilities required for homeland defense and civil support missions. According to the capabilities-based assessment, these efforts will ultimately inform the fiscal year 2012 programming and budget cycles with military-unique or other civil support capabilities required for DOD to respond to catastrophic or other incidents of national significance.

Nearly a year after it was passed, the House Armed Services Committee reiterated its "strong support" for section 1815 of the 2008 NDAA and "urged" the DoD to comply with its planning requirements. The committee also encouraged DoD to incorporate "non-lethal capabilities" in its civil support planning:

> In connection with the Department's mission for defense support to civil authorities, the committee notes that section 1815 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) requires the Secretary of Defense to identify the military-unique capabilities required by the military services, including the reserve component, the joint commands, and defense agencies, to support civil authorities in an incident of national significance or catastrophic event. The committee urges the Department to comply with section 1815 and encourages the Department to determine whether there are non-lethal capability requirements for domestic homeland defense and defense support to civil authorities' missions.

Army Chief of Staff Ray Odierno wrote in a recent article in Foreign Affairs that the increasing use of the military in domestic situations will be part of a necessary evolution as it transitions to "responding in force to a range of complex contingencies" both inside the U.S. and abroad. Odierno states that the "need for U.S. armed forces, and the army in particular, to provide planning, logistical, command-and-control, and equipment support to civil authorities in the event of natural disasters continues to be demonstrated regularly and is unlikely to diminish." The Army will "contribute to broader national efforts to counter those challenges at home, if needed" including using "active-duty forces, especially those with niche skills and equipment, to provide civilian officials with a robust set of reliable and rapid response options."

Source Material

President's Budget Submissions for the Department of Defense Referencing Section 1815 of FY2008 NDAA

FY2013

- Other Procurement, Army (1)
- Other Procurement, Army (2)
- Other Procurement, Army (3 & 4)
- Aircraft Procurement, Army
- Wheeled and Tracked Combat Vehicles, Army

FY2012

- Missile Procurement
- Other Procurement, Army (1)
- Other Procurement, Army (2)
- Other Procurement, Army (3 & 4)
- Aircraft Procurement, Army
- Wheeled and Tracked Combat Vehicles, Army

PL 110-181 (FY2008 National Defense Authorization Act)

SEC. 1815. DETERMINATION OF DEPARTMENT OF DEFENSE CIVIL SUPPORT REQUIREMENTS.

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine the military-unique capabilities needed to be provided by the Department of Defense to support civil authorities in an incident of national significance or a catastrophic incident.

(b) PLAN FOR FUNDING CAPABILITIES.—

(1) PLAN.—The Secretary of Defense shall develop and implement a plan, in coordination with the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff, for providing the funds and resources necessary to develop and maintain the following:

(A) The military-unique capabilities determined under subsection (a).

(B) Any additional capabilities determined by the Secretary to be necessary to support the use of the active components and the reserve components of the Armed Forces for homeland defense missions, domestic emergency responses, and providing military support to civil authorities.

(2) TERM OF PLAN.—The plan required under paragraph (1) shall cover at least five years.

(c) BUDGET.—The Secretary of Defense shall include in the materials accompanying the budget submitted for each fiscal year a request for funds necessary to carry out the plan required under subsection (b) during the fiscal year covered by the budget. The defense budget materials shall delineate and explain the budget treatment of the plan for each component of each military department, each combatant command, and each affected Defense Agency.

(d) DEFINITIONS.—In this section:

(1) The term ''military-unique capabilities'' means those capabilities that, in the view of the Secretary of Defense—

(A) cannot be provided by other Federal, State, or local civilian agencies; and

(B) are essential to provide support to civil authorities in an incident of national significance or a catastrophic incident.

(2) The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(e) STRATEGIC PLANNING GUIDANCE.—Section 113(g)(2) of title 10, United States Code, is amended by striking ''contingency plans'' at the end of the first sentence and inserting the following: ''contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities''.

10 USC § 113 (g)

(2) The Secretary of Defense, with the approval of the President and after consultation with the Chairman of the Joint Chiefs of Staff, shall provide to the Chairman written policy guidance for the preparation and review of contingency plans, including plans for providing support to civil authorities in an incident of national significance or a catastrophic incident, for homeland defense, and for military support to civil authorities. Such guidance shall be provided every two years or more frequently as needed and shall include guidance on the specific force levels and specific supporting resource levels projected to be available for the period of time for which such plans are to be effective.

Tags: Civil Support, Military Support to Civil Authority, National Guard, U.S. Army
36 Comments »

Related Material From the Archive:

1. Library of Congress Analysis of Military Support to Civil Authorities
2. DoJ Military and Civil Law Enforcement Nonlethal Weapons and Equipment Review
3. DoD Directive 3025.12 Military Assistance for Civil Disturbances (MACDIS)
4. Domestic Operational Law Handbook for Judge Advocates 2010
5. NSA to Assist DHS with Domestic Cyberwarfare Operations
6. National Guard Domestic Joint Task Force (JTF) Commander Handbook

7. Restricted U.S. Military Multi-Service Civil Support Operations Manual
8. Domestic Operational Law Handbook for Judge Advocates 2011

13 Responses to *U.S. Military Purchasing Combat Equipment for Domestic Contingency Planning*

1.

   FC said: *On July 21, 2012*

   On current story of the movie theater attacker – doesn't his rigged apt. look a lot like the actions of the brainwashed Unabomber?

   see
   http://robertscourt.blogspot.com/2008/06/unabomber-harvard-mkultra-victim.html

   Reply

2.

   FC said: *On July 21, 2012*

   Let's watch and see if US police dept.s don't all ask for fancy bomb disposal robots etc., etc.
   Then reread this webpage.

   Reply

3.

   StillFree said: *On July 22, 2012*

   It's curious that Obama, Hillary Clinton and the other traitorous Liberals in our government have been pushing for years to sell out our 2nd Amendment rights to the UN and take away our guns. The vote is before Congress now and you have this unemployed crazy man shooting 70 people wearing $20,000 worth of gear and thousands more at this apartment. I would not put it past the Liberals to arrange this event to get their treaty signed and take away our guns. I truly believe that Obama is as bad as Hitler given the chance. Fast & Furious was Obama and Holders attempt to put automatic weapons in the hands of drug smugglers. People forget that, when the border patrol agent was killed, Obama was on TV accusing our country of not controlling our guns and we need more controls.

   The founders didn't create the second amendment so Americans could hunt. They created the 2nd

Amendment so that we can defend ourselves against an out of control government.

Reply

-

  Tym said: *On July 26, 2012*

  Yep. It's the libs. Your boy romney would be so much different.

  Excuse me, I threw up a little bit. That much ignorance makes me sick. How dumb do you actually have to be to still believe in this two-party farce?

  Reply

4.

   Kenzob said: *On July 22, 2012*

   The Constitution preserves "the advantage of being armed which Americans possess over the people of almost every other nation. . . (where) the governments are afraid to trust the people with arms." — The Federalist, No. 46
   - James Madison

   "[I]f circumstances should at any time oblige the government to form an army of any magnitude, that army can never be formidable to the liberties of the people while there is a large body of citizens, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their rights and those of their fellow citizens." — The Federalist, No. 29
   - Alexander Hamilton

   "[A]rms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property. . . Horrid mischief would ensue were the law-abiding deprived of the use of them." — Thoughts On Defensive War, 1775
   - Thomas Paine

   "What, sir, is the use of militia? It is to prevent the establishment of a standing army, the bane of liberty. . . Whenever Government means to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise a standing army upon its ruins." — Debate, U.S. House of Representatives, August 17, 1789
   - Elbridge Gerry

   "The great object is, that every man be armed."
   - Patrick Henry

   Reply

5.

   Don Was said: *On July 23, 2012*

   StillFree makes an excellent point. The movie theater shooter was definitely a psy-op to make americans more complacent about surrendering their firearms. I am certain, that like Sirhan Sirhan and

Lee Harvey Oswald, the guy had a handler who supplied him with at least the funding/free pass to purchase all that gear without restraint. If the day comes where all civilian firearms are confiscated, it will be GAME OVER. The corrupt government will accelerate their timetable for full blown, in your face, dictatorship.

Reply

-

  Tom said: *On July 23, 2012*

  If anyone thinks that the Washington politicians will do anything about gun control, after the colorardo tragedy you are mistaken…Obama will not do a thing…the NRA has the politicans scared to even mention gun control….the result is that we will see more and more killers like Holmes go into public places and shot innocent peoplel while wasington politicans look the other way…

  Reply

  -

    Frank said: *On July 23, 2012*

    Only fools want their guns taken away. More people are killed by illegal guns each day than were killed in Aurora.

    Reply

6.

   Frank said: *On July 23, 2012*

   All despots do these kinds of things when they get desperate. The tiger cannot defeat the ants. They'll be eaten alive.

   Reply

7.

   gon nad said: *On July 23, 2012*

   Somebody played with this kids brain, I'm betting he was on those depression Rx, psychotropic drugs and had been used for some "medical study" while at med school

   According to news reports, this sudden violent rampage was completely out of character for James Holmes, who was described as "shy." None of his "friends" thought he was violent.

   The New York Times is now reporting: Billy Kromka, a pre-med student at the University of Colorado, Boulder, worked with Mr. Holmes for three months last summer as a research assistant in a lab of at the Anschutz Medical Campus. Mr. Kromka said he was surprised to learn Mr. Holmes was the shooting suspect. "It was just shocking, because there was no way I thought he could have the capacity to do commit an atrocity like this," he said.

Think about this tinfoil hat spiel…

There is already conjecture that James Holmes may have been involved in mind-altering neuroscience research at CU Med. His actions clearly show a strange detachment from reality, indicating he was not in his right mind. That can only typically be accomplished through drugs and behavioral modification techniques of the good old MK-ULTRA study

How did James learn improvised explosives? "Aurora Police Chief Dan Oates said Holmes' apartment is booby-trapped with a 'sophisticated' maze of flammable devices. It could take hours or days for authorities to disarm it," reports Yahoo News

This smells like another false flag, the alphabet soup in Denver trying to "crack a few eggs to make an omelet"?

As you soak all this in, remember that the FBI had admitted to setting up terror plots in the past few years, providing the weapons and gear, staging the location of the bombings and even driving the vehicles to pull it off! This is not a conspiracy theory, it's been admitted by the FBI right out in the open. Even the New York Times openly reports all this in stories (google "Terrorist Plots, Hatched by the F.B.I.")

Don't put it past uncle sam these days, my bet is that this guys is a patsy just like the 911 terrorists,

I pray I'm wrong

Go ahead kill the killer, how Christian….

and don't forget

Guns kill people, pencils misspell words, shovels dig holes…

Reply

8.

Don Barksdale said: *On July 23, 2012*

The timing is impeccable, just when Hillary is about to sign the UN Small Arms Treaty. The issued news story will "mature" over the following weeks as they bend and shape it into what they want. I watched interviews with eyewitnesses who were 5 feet from the guy: he was wearing goggles under the gas mask so he could not be recognized. Why would a guy who rigged up the sophisticated trap in his apartment immediately tell the cops that there was a bomb in the room? Maybe so no LE assets get swept up in the killing? Why would a guy outfit himself in body armor and then stand there and let the cops walk up and arrest him?
The best argument that this is bogus is that there are 35 states that allow concealed carry in this country, hundreds of thousands of wackos out there with guns; this should be happening once a week, but it doesn't.

Reply

9.

Wildman said: *On July 31, 2012*

With all the equipment, weapons, ammunition, riot gear, and the FEMA relocation camps being turned into detention centers, can't Americans, who love their freedom see where this is going? Are we all that stupid? Since congress is doing nothing, and I really do mean nothing, the House, or the Senate, to up-hpld their oath regrding defending the constitution of the United States, will the military step in, regarding their oath, to defend this country from all enemies from abroad or from with in, and arrest this President, his czars who are not even elected, and the cabinet members plus all the aids, political appointee's? I for one would welcome it. It will be the only way to stop a real shooting civil war which is coming down on us. Obama will not step down if he isn't re-elected. He will stage something. Then declare martil law, to remain in office.

Reply

10.

1-Eddie-1 said: *On July 31, 2012*

Every American should read and know US Code Title 10 Subtitle A Part I Chapter 13
Subsection 311. Militia: composition and classes
Subsection 312. Militia duty: exemptions (I will list one, there are a few)
(3) Members of the armed forces, except members who are not on active duty.

In Subsection 312 (3) delineates a difference between the Militia and the armed forces. That is important to know so that nobody can pull the wool over your eyes. USC Title 10 Subtitle A Part I Chapter 13 Subsections 311 and 312 backs up the second ammendment in your right to keep and bear arms. You are the Militia. www4.law.cornell.edu/uscode/html/uscode10/usc_sec_10_00000311—-000-.html
www4.law.cornell.edu/uscode/html/uscode10/usc_sec_10_00000312—-000-.html
Look them up and read them.

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    - International Council of Chemical Associations
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    - Alaska
    - Arizona
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    - Bureau of Alcohol Tobacco Firearms and Explosives
    - Business Executives for National Security
    - California
    - Center for Strategic and International Studies
    - Centers for Disease Control
    - Central Intelligence Agency
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    - Office of the Special Inspector General for the Troubled Asset Relief Program
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- District of Columbia
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    - Infragard
- Federal Bureau of Prisons
- Federal Reserve
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